

OFFICE OF THE CLERK

MARCIA M. WALDRON
CLERK

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA 19106-1790

TELEPHONE
215-597-2995

August 21, 2006

Peter T. Dalleo, Clerk
United States District Court
J. Caleb Boggs Federal Building
Lockbox 18
844 King Street
Wilmington, DE 19801-3570

Re: Bacon v. Carroll, et al
D. Del. No. 06-cv-0267-JJF

Dear Mr. Dalleo:

Pursuant to Rule 4(d), Federal Rules of Appellate Procedure, and Rule 3.4, Third Circuit Local Appellate Rules, we are forwarding the attached Motion for Appointment of Counsel and application for Certificate of Appealability which should be construed as a notice of appeal which was filed with this office in error. See Rule 3(a)(1), Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. **These documents were postmarked August 17, 2006 and should be docketed as of that date.**

These documents are being forwarded solely to protect the litigant's right to appeal as required by the Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. Upon receipt of these documents, kindly process them according to your Court's normal procedures. If your office has already received these same documents, please disregard the enclosed copies to prevent duplication.

Pursuant to Rule 3(a)(1), Federal Rules of Appellate Procedure, a notice of appeal must be filed with the Clerk of the District Court. This Court may not act on an appeal until the notice has been docketed in the District Court and certified to this Court by the District Court Clerk.

Thank you for your assistance in this matter.

Very truly yours,

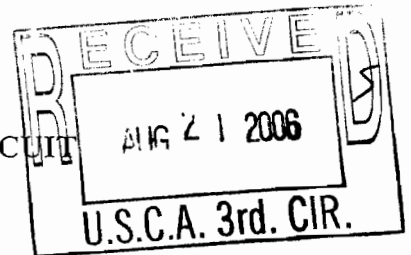
Marcia M. Waldron, Clerk

By: /s/ Bradford A. Baldus
Bradford A. Baldus
Senior Legal Advisor to the Clerk

Enclosure
cc: Devearl L. Bacon SBI #221242 (w/out encl.)

Devearl L. Bacon SBI #221242
Delaware Correctional Center, Unit 21-A, L-3
1181 Paddock Road
Smyrna, DE 19977

NOTICE OF APPEAL
TO
U.S. COURT OF APPEALS, THIRD CIRCUIT



U.S. District Court for the District of Delaware

CIRCUIT COURT
DOCKET NUMBER: _____
(leave blank)

FULL CAPTION IN DISTRICT COURT AS FOLLOWS:

SEVEARL L. BACON

DISTRICT COURT
DOCKET NUMBER: 06-267-JJF

v.
WARDEN CARROLL

DISTRICT COURT
JUDGE: HON. JOSEPH J. FARNAN

Notice is hereby given that

SEVEARL L. BACON

(Named Party)

appeals to the United States Court of Appeals for the Third Circuit from [☒ Judgment, [☒ Order,

[☐ Other (specify) _____

entered in this action on

July 27, 2006
(date)

DATED:

August 10, 2006

PRO-SE

(Counsel for Appellant - Signature)

SEVEARL L. BACON

(Name of Counsel - Typed)

D.C.C. Prison

(Address)

1181 Paddock Rd.

Smyrna, Del. 19977

(Telephone Number)

N/A

(Counsel for Appellee)

(Address)

(Telephone Number)

NOTE: USE ADDITIONAL SHEETS if all appellants and/or all counsel for appellees cannot be listed on the Notice of Appeal sheet.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SEVEAR/L. BACON

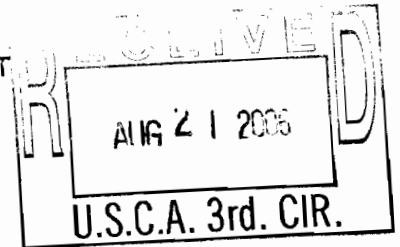
APPELLANT,

v.
WARDEN CARROLL

APPELLEE.

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§

CIVIL ACTION NO. _____



MOTION FOR APPOINTMENT OF COUNSEL

COMES NOW, the appellant, SEVEAR/L. BACON, pro se, and moves this Honorable Court for Appointment of Counsel, to represent appellant.

In support of this Motion appellant states that the following is true and correct, to the best of his knowledge and belief:

1. Appellant is incarcerated.
2. Appellant is unskilled in the law.
3. The administration at the Delaware Correctional Center where the appellant is held limits the days and times that appellant is allowed access to the law library.
4. Appointment of counsel would serve "the best interests of justice" in this case.

WHEREFORE, appellant prays this Honorable Court appoint counsel to represent the appellant.

DATE:

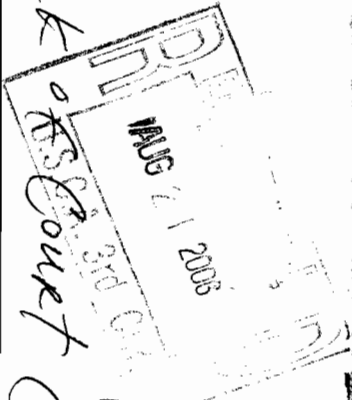
August 10, 2006

Delaware Corr. Center
Smyrna, DE 19977

IM SEVERAL C. Bacon
SBI# 221242 UNIT 21-A-6-3
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

U.S. M.S.
U.S. - RAY

Clerk of Court (3d Cir.)
21400 US Courthouse
601 Market St.
Philadelphia, PA.
19106-1790



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CEGAL MAIL